



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

March 25 2002

Douglas T. Pickett
Pickett Ranch & Sheep Company
1650 South 568 West
Oakley, Idaho 83346

Re: Public Comments Regarding Tentative Approval Notice, Gold Star Stone Quarries, Inc., Lone Pine Mine, M/003/050, Box Elder County, Utah

Dear Mr. Pickett:

Thank you for your letter dated March 13, 2002 (received March 18, 2002) regarding your concerns over the Division's tentative approval decision for the Lone Pine Mine permit application. To assist in addressing your concerns, we have attached a copy of the Lone Pine Mine permit area map for your reference. We have highlighted your two land parcels in green.

Your first comment concerned the accuracy of the legal description of the area to be affected by this operation. You will see from the attached permit area map, that there is current mining related disturbance in all of the areas described in our notice. A small amount of disturbance is identified within the SE/4 of the SE/4 of the NW/4 of Section 34, T14N, R17W, SLBM. However, the operator has indicated that no further quarrying will be conducted in this area and that this parcel will be reclaimed in the near future.

Your second comment concerned the potential for waste materials (we are interpreting this as waste rock) to roll down the hill from the quarry and damage your fences, livestock, and other land improvements. It is our experience that the majority of waste materials typically generated from this type of quarry do not normally roll more than 25 - 50 feet beyond the toe of the waste dump, unless there is a very steep slope below the toe. The permit area map confirms your statement that there is roughly 900 feet from the current mine area to the property boundary fence on parcel #1, and about 1500 feet to the fence line on parcel #2. This should provide sufficient buffer to prevent mining related damage to your property. In the event that damage does occur, the operator would be held responsible to repair the damage. However, damages that may have happened two years ago to your fence as a result of road improvement activities are beyond our ability to confirm or resolve at this time.

Your third comment concerned potential impacts to your property caused by improvements to the access road, highwall construction, careless driving, wildfires, garbage disposal, fuel leaks, used motor oil and other environmental liabilities. First, the operator has no plans to improve or expand the access road beyond its current condition. Should the need to expand or improve the road arise in the

Page 2
Douglas Pickett
M/003/050
March 25, 2002

future, the operator will need to amend his plan prior to making the improvements. Routine road maintenance is not considered an improvement. Secondly, the current highwall development plan is to advance in a westerly direction (away from your properties). Consequently, this should not have an adverse impact on your property.

With regard to your concern of careless driving, the Division has little regulatory control over personal driving habits. However, employee safety and their personnel's driving skill should be a high priority to any operator. The County Fire Marshall is responsible for fire control and fire suppression. It is our understanding that Box Elder County does require burning permits. Damages resulting from a fire caused by a mine operator would be his responsibility to mitigate. Burn permit violations should be reported to the County Fire Marshall.

Finally, the Division rules R647-4-107.1.12 and 107.4 and R647-4-111.1.12 and 111.4 (copy attached) require all garbage, mining wastes, and other deleterious materials (fuels, used motor oil, etc.), to be properly stored and disposed of. The operator is required to clean up and properly dispose of any accidental spills resulting from the use of these materials.

We hope that this letter has addressed your concerns. We are happy to arrange a meeting here or on site to discuss your concerns further with Division staff. Please call Vickie Southwick at (801) 538-5304 if wish to arrange such a meeting.

If you have questions regarding this response, please call Wayne Hedberg at (801) 538-5286 or me at (801) 538-5306. Again, thank you for your comments regarding this operation.

Sincerely,



Mary Ann Wright
Associate Director, Mining

jb

Attachment: Lone Pine Quarry Map B. LMO rules

cc: Bruce Mitchell, Gold Star Stone *w/copy of protest letter & map*

O:\M003 - Box Elder\M03-050 Lone Pine\DRAFT\03-21-2002 pickett.doc